



***STATE OF WISCONSIN***  
***DEPARTMENT OF NATURAL RESOURCES***  
**PERMIT TO DISCHARGE UNDER THE**  
**WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of Chapter 283, Wisconsin Statutes, and chs. NR 151 and NR 216, Wisconsin Administrative Code, the **Menomonee River Watershed Municipalities**:

**CITY OF BROOKFIELD**  
**CITY OF GREENFIELD**  
**CITY OF WAUWATOSA**  
**VILLAGE OF BUTLER**  
**VILLAGE OF ELM GROVE**  
**VILLAGE OF GERMANTOWN**  
**VILLAGE OF MENOMONEE FALLS**  
**VILLAGE OF WEST MILWAUKEE**

are permitted to discharge storm water from

**ALL PORTIONS OF THE CITY OF BROOKFIELD, CITY OF GREENFIELD, CITY OF WAUWATOSA, VILLAGE OF BUTLER, VILLAGE OF ELM GROVE, VILLAGE OF GERMANTOWN, VILLAGE OF MENOMONEE FALLS, AND VILLAGE OF WEST MILWAUKEE MUNICIPAL SEPARATE STORM SEWER SYSTEMS**

owned or operated by the **Menomonee River Watershed Municipalities** to waters of the state in the following watersheds:

**MENOMONEE RIVER**  
**FOX RIVER**  
**CEDAR CREEK**  
**KINNICKINNIC RIVER**  
**ROOT RIVER**

in accordance with the conditions set forth in this permit.

This permit takes effect on the date of signature.

This permit to discharge expires at midnight, February 28, 2012.

To retain authorization to discharge after this expiration date, an application shall be filed for reissuance of this permit in accordance with the requirements of s. NR 216.09, Wis. Adm. Code, at least 180 days prior to this expiration date.

State of Wisconsin Department of Natural Resources  
For the Secretary

By \_\_\_\_\_  
Benjamin Benninghoff  
Stormwater Specialist

\_\_\_\_\_  
Date of Signature

EFFECTIVE DATE/START DATE: March 20, 2007

EXPIRATION DATE: February 28, 2012

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## **GENERAL DESCRIPTION AND PURPOSE OF THE WPDES STORM WATER PERMIT FOR THE MENOMONEE RIVER WATERSHED MUNICIPALITIES**

The Menomonee River Watershed Municipalities own and operate municipal separate storm sewer systems that discharge to waters of the state.

Discharges from municipal separate storm sewer systems may consist of runoff from rain events or snow melt and fluids from spills or illicit connections. Pollutants of concern found in municipal separate storm sewer system discharges include organic materials, suspended solids, metals, nutrients, bacteria, pesticides, fertilizer, and traces of toxic materials.

This WPDES permit regulates discharges from the Menomonee River Watershed Municipalities municipal separate storm sewer systems in accordance with chapter 283, Wis. Stats. and chs. NR 151 and NR 216, Wis. Adm. Code. The permit requirements are intended to restore and maintain the chemical, physical, and biological integrity of waters of the state through management and treatment of urban storm water runoff.

- A. **PERMITTED AREA:** This permit covers all areas within the jurisdiction of the City of Brookfield, City of Greenfield, City of Wauwatosa, Village of Butler, Village of Elm Grove, Village of Germantown, Village of Menomonee Falls, and Village of West Milwaukee that contribute to discharges from the municipal separate storm sewer systems owned or operated by the Menomonee River Watershed municipalities. Municipal separate storm sewer system, or MS4, has the meaning specified in Part VI. of this permit.
- B. **AUTHORIZED DISCHARGES:** This permit authorizes storm water point source discharges to waters of the state from the municipal separate storm sewer systems in the permitted areas. This permit also authorizes the discharge of storm water commingled with flows contributed by process wastewater, non-process wastewater, and storm water associated with industrial activity, provided the discharges are regulated by other WPDES permits or are discharges which are not considered illicit discharges.
- C. **WATER QUALITY STANDARDS**
1. This permit specifies the conditions under which storm water may be discharged to waters of the state for the purpose of achieving water quality standards contained in chs. NR 102 through 105 and NR 140, Wis. Adm. Code. For the term of this permit, compliance with water quality standards will be addressed by adherence to general narrative-type storm water discharge limitations and implementation of storm water management programs and practices.
  2. This permit does not authorize water discharges that the Department, prior to authorization of coverage under this permit, determines will cause or have reasonable potential to cause or contribute to an excursion above any applicable water quality standards. Where such determinations have been made prior to authorization, the Department may authorize coverage under this permit where the storm water management programs required under this permit will include appropriate controls and implementation procedures designed to bring the storm water discharge into compliance with water quality standards.
- D. **OUTSTANDING AND EXCEPTIONAL RESOURCE WATERS;**
1. Each permittee shall determine whether any part of its MS4 discharges to an outstanding resource water (ORW) or exceptional resource water (ERW). ORWs and ERWs are listed in ss. NR 102.10 and 102.11, Wis. Adm. Code. An unofficial list of ORWs and ERWs may be found on the Department's Internet site at: <http://dnr.wi.gov/org/water/wm/wqs/>.
  2. The permittees may not establish a new MS4 discharge of pollutants to an outstanding resource water (ORW) or an exceptional resource water (ERW) unless the storm water management programs required under this permit are designed to ensure that any new MS4 discharge of pollutants to an ORW or ERW will not exceed background levels within the ORW or ERW.
    - a. "New MS4 discharge of pollutants" means an MS4 discharge that would first occur after the permittee's start date of coverage under this permit to a surface water to which the MS4 did not previously discharge storm water, and does not include and increase in an MS4's discharge to a surface water to which the MS4 discharged on or before coverage under this permit.
  3. If a permittee has an existing MS4 discharge to an ERW, it may increase the discharge of pollutants if the increased discharge would not result in a violation of water quality standards.
  4. If a permittee has an existing MS4 discharge to an ORW, it may increase the discharge of pollutants provided all of the following are met:
    - a. The pollutant concentration within the receiving water and under the influence of the existing discharge would not increase as compared to the level that existed prior to coverage under this permit.
    - b. The increased discharge would not result in a violation of water quality standards.

E. IMPAIRED WATER BODIES AND TOTAL MAXIMUM DAILY LOAD REQUIREMENTS

1. Each permittee shall determine whether any part of its MS4 discharges to an impaired water body listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC 1313(d)(1)(C), and the implementing regulation of the US Environmental Protection Agency, 40 CFR 130.7(c)(1). Impaired waters are those that are not meeting applicable water quality standards. A list of Wisconsin impaired water bodies may be found on the Department's Internet site at:  
<http://dnr.wi.gov/org/water/wm/wqs/303d/303d.html>.
2. If a permittee's MS4 discharges to an impaired water body, the permittee shall include a written section in its storm water management program that discusses the management practices and control measures it will implement as part of its program to reduce, with the goal of eliminating, the discharge of pollutants of concern that contribute to the impairment of the water body. This section of the permittee's program shall specifically identify control measures and practices that will collectively be used to try to eliminate the MS4's discharge of pollutant(s) of concern that contribute to the impairment of the water body and explain why these control measures and practices were chosen as opposed to other alternatives. Pollutant(s) of concern means a pollutant that is causing impairment of a water body.
3. After a permittee's start date of coverage under this permit, the permittee may not establish a new MS4 discharge of a pollutant of concern to an impaired water body or increase the discharge of a pollutant of concern to an impaired water body unless the new or increased discharge causes the receiving water to meet applicable water quality standards.

Note: Once the Department approves a TMDL for an impaired water body to which the permittee discharges, the Department anticipates that this permit will need to be modified to include requirements necessary to achieve the TMDL wasteload allocation for the MS4. Approved TMDLs are listed on the Department Internet site at: <http://dnr.wi.gov/or/water/wm/wqs/303d/index/html>.

- F. WETLANDS: Each permittee's MS4 discharge shall comply with the wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.
- G. ENDANGERED AND THREATENED RESOURCES: Each permittee's MS4 discharge shall comply with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code.
- H. HISTORIC PROPERTY: No permittee's MS4 discharge may affect any historic property that is listed property, or on the inventory or on the list of locally designated historic places under s. 44.45, Wis. Stats., unless the Department determines that the MS4 discharge will not have an adverse effect on any historic property pursuant to s. 44.40 (3), Wis. Stats.
- I. GENERAL STORM WATER DISCHARGE LIMITATIONS: The Menomonee River Watershed Municipalities may not discharge the following substances from the municipal separate storm sewer systems in amounts that have an unreasonable effect on receiving water quality or aquatic life:
1. Solids that may settle to form putrescence or otherwise objectionable sludge deposits.
  2. Oil, grease, and other floating material that form noticeable accumulations of debris, scum, foam, or sheen.
  3. Color or odor that is unnatural and to such a degree as to create a nuisance.
  4. Toxic substances in amounts toxic to aquatic life, wildlife, or humans.
  5. Nutrients conducive to the excessive growth of aquatic plants and algae to the extent that such growths are detrimental to desirable forms of aquatic life, create conditions that are unsightly, or are a nuisance.

6. Any other substances that may impair, or threaten to impair, beneficial uses of the receiving water.
- J. **INDIVIDUAL RESPONSIBILITY:** Each Menomonee River Watershed Municipality is responsible for:
1. Compliance with conditions of this permit relating to discharges from those portions of the municipal separate storm sewer system where the municipality is the owner or operator.
  2. Storm water management program implementation, as required by this permit, on portions of the municipalities that drain to the municipal separate storm sewer system where it is the owner or operator.
  3. All other activities required by this permit, individually and jointly with the other co-permittees as a member of the Menomonee River Watershed Municipalities.
- K. **SHARED RESPONSIBILITY:** The Menomonee River Watershed Municipalities may share implementation of one or more of the conditions of this permit if the shared responsibility is approved by the Department.
- L. **EXCLUSIONS:** The following are excluded from coverage under this permit:
1. **Combined Sewer and Sanitary Sewer Systems**  
Discharges of water from a wastewater treatment facility, sanitary sewer or a combined sewer system conveying both sanitary and storm water. These discharges are regulated under s. 283.31, Wis. Stats, and require a separate individual permit.
  2. **Agricultural Facilities and Practices**  
Discharges from "agricultural facilities" and "agricultural practices". "Agricultural facility" means a structure associated with an agricultural practice. "Agricultural practice" means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.
  3. **Other Excluded Discharges**  
Storm water discharges from industrial operations or land disturbing construction activities that require separate coverage under a WPDES permit pursuant to subchs. II or III of ch. NR 216, Wis. Adm. Code. For example, while storm water from industrial or construction activity may discharge from an MS4, this permit does not satisfy the need to obtain any other permits for those discharges. This exclusion does not apply to each permittee's responsibility to regulate construction sites within its jurisdiction in accordance with Part III. sections C and D of this permit.
  4. **Indian Country**  
Storm water discharges within Indian Country. The federal Clean Water Act requires that owners and operators of storm water discharges within Indian Country to obtain permit coverage directly from the United States Environmental Protection Agency.

## Part II. GROUP CONDITIONS

The following permit conditions apply individually to the Menomonee River Watershed Municipalities, however, the municipalities intend to collaborate and satisfy these conditions collectively:

- A. **PUBLIC EDUCATION AND OUTREACH:** The Menomonee River Watershed Municipalities shall implement a public education and outreach program to increase the awareness of storm water pollution impacts on waters of the state to encourage changes in public behavior to reduce such impacts. The program shall establish measurable goals and, at a minimum, include the following elements:
1. Promote detection and elimination of illicit discharges and water quality impacts associated with such discharges from municipal separate storm sewer systems. This may include storm water inlet stenciling, neighborhood storm watches, and hot lines to report dumping.
  2. Inform and educate the public to facilitate the proper management of materials that may cause storm water pollution from sources including automobiles, pets, household hazardous waste and household practices.
  3. Promote beneficial onsite reuse of leaves and grass clippings and proper use of lawn and garden fertilizers, herbicides, and pesticides.
  4. Promote the management of streambanks and shorelines by riparian landowners to minimize erosion and restore and enhance the ecological value of waterways.
  5. Promote infiltration of residential storm water runoff from rooftop downspouts, driveways, and sidewalks. Such infiltration may be achieved through the disconnection of these areas from the storm water drainage system.
  6. Inform and where appropriate educate those responsible for the design, installation, and maintenance of construction site erosion control practices and storm water management facilities on how to design, install, and maintain the practices.
  7. Identify businesses and activities that may pose a storm water contamination concern, and where appropriate, educate specific audiences such as lawn care companies and restaurants on methods of storm water pollution prevention.
  8. Promote environmentally sensitive land development designs by developers and designers.
- B. **STORM WATER MONITORING:** The Menomonee River Watershed Municipalities shall participate in or contribute funding to a storm water monitoring project.
1. The monitoring project shall consist of one of the following:
    - a. The monitoring project described in the Menomonee River Watershed Municipalities' application.
    - b. A different monitoring project that is agreed upon by the group. Monitoring projects could consist of an evaluation of a storm water management practice, an evaluation of pollutant loadings from a particular source area, or another project proposed by the group.
  2. Any proposed modifications to the monitoring project shall be submitted to the Department for approval prior to implementing the modifications.
- C. **ILLICIT DISCHARGE NOTIFICATION:** In the case of an illicit discharge which originates from any Menomonee River Watershed municipality and which discharges directly to a storm sewer or property under the jurisdiction of any other Menomonee River Watershed municipality, the municipality discovering the discharge shall notify the affected municipality within one working day.

### Part III. INDIVIDUAL CONDITIONS

The following permit conditions apply to each municipality in the Menomonee River Watershed Municipalities:

- A. **PUBLIC INVOLVEMENT AND PARTICIPATION:** Each municipality shall implement a program to notify the public of activities required by this permit and to encourage input and participation from the public regarding these activities. The program shall comply with applicable state and local public notice requirements.
- B. **ILLCIT DISHCHARGE DETECTION AND ELIMINATION:** Each municipality shall develop a program to detect and remove illicit connections and discharges to the municipal separate storm sewer system. The program shall include measurable goals and include all of the following:

1. An ordinance or other regulatory mechanism to prevent and eliminate illicit discharges and connections to the municipal separate storm sewer system. At a minimum, the ordinance or other regulatory mechanism shall:

Prohibit the discharge, spilling or dumping of non-storm water substances or material into waters of the state or the storm sewer system.

- a. Identify non-storm water discharges or flows that are not considered illicit discharges. Non-storm water discharges that are not considered illicit discharges including water line flushing, landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, fire fighting and discharges authorized under a WPDES permit unless identified by the permittee as significant source of pollutants to waters of the state.
- b. Establish inspection and enforcement authority.

Note: Chapter NR 815, Wis. Adm. Code, regulates injection wells including storm water injection wells. Construction or use of a well to dispose of storm water directly into groundwater is prohibited under s. NR 815.11(5), Wis. Adm. Code.

2. Field screening at all major outfalls during dry weather periods. Outfalls shall be evaluated annually, on an on-going basis, at a minimum of one time per year at all major outfalls during dry weather periods (typically 72 hours after any measurable rainfall). At a minimum, field screening shall be documented and include:
  - a. Visual Observation - A narrative description of visual observations including color, odor, turbidity, oil sheen or surface scum, flow rate and any other relevant observations regarding the potential presence of non-storm water discharges or illegal dumping. (include narrative in annual report)
  - b. Field Analysis - If flow is observed, field analysis shall be conducted to determine the presence of illicit non-storm water discharges or illegal dumping. The field analysis shall include sampling for pH, total chlorine, total copper, total phenol and detergents unless the municipality elects instead to use detergent, ammonia, potassium and fluoride as the indicator parameters. Other alternative indicator parameters may be authorized by the Department in writing.

Note: Detergent, ammonia, potassium and fluoride indicator parameters provide a better screening tool to identify whether the flow is contaminated with sanitary or wastewater, and also whether the sources is a tap water or natural source of water. The Center for Watershed Protection (CWP) has illicit discharge identification and elimination guidance available at [www.cwp.org/idde\\_verify.htm](http://www.cwp.org/idde_verify.htm).

The CWP guidance includes illicit discharge field sampling guidance developed by Robert Pitt from the University of Alabama on how best to detect illicit discharges including recommended indicator parameters and associated levels of detection.



- i. Field screening points shall, where possible, be located downstream of any source of suspected illegal or illicit activity.
  - ii. Field screening points shall be located where practicable at the farthest manhole or other accessible location downstream in the system. Safety of personnel and accessibility of the location shall be considered in making this determination.
  - iii. Consideration shall be given to hydrological conditions, total drainage area of the site, population density of the site, traffic density, age of the structures or building in the area, history of the area and land use types.
3. Procedures for responding to known or suspected illicit discharges. At a minimum, procedures shall be established for:
  - a. Immediately investigate portions of the municipal separate storm sewer system that, based on the results of field screening or other information, indicate a reasonable potential for containing illicit discharges or other sources of non-storm water discharges.
  - b. Responding to spills that discharge into and/or from the municipal separate storm sewer system including tracking the source of the spill if unknown.
  - c. Preventing and containing spills that may discharge into or are already within the municipal separate storm sewer system.
  - d. Immediately notify the Department in accordance with ch. NR 706, Wis. Adm. Code, in the event that the permittee identifies a spill or release of a hazardous substance, which results in the discharge of pollutants into waters of the state. The Department shall be notified via the 24-hour toll free spill hotline at 1-800-943-0003. The permittee shall cooperate with Department in efforts to investigate and prevent such discharges from polluting waters of the state.
  - e. Identified illicit discharges or connections shall be eliminated within three working days to the maximum extent practicable. If it will take more than three working days to remove an illicit connection, the Department shall be contacted to discuss an appropriate action and/or timeframe for removal.
  - f. To the maximum extent practicable, eliminating or minimizing leakage from sanitary conveyance systems into the municipal separate storm sewer system.
  - g. Providing the Department with advance notice of the time and location of dye testing within a MS4. (Because the dye may get reported to the Department as an illicit discharge, the Department requires prior notification of dye testing.)
  - h. In the case of an illicit discharge that originates from the municipality's permitted area and that discharges directly to a storm sewer system or property under the jurisdiction of another municipality, the first municipality shall notify the affected municipality within one working day.
  - i. The name, title, and phone number of the individual(s) responsible for responding to reports of illicit discharges and spills shall be included in the illicit discharge response procedure and submitted to the Department in accordance with Part IV.C.3.
- C. CONSTRUCTION SITE POLLUTANT CONTROL. Each municipality shall develop, implement and enforce a program to reduce the discharge of sediment from construction sites. The program shall establish measurable goals and include:
  1. An ordinance or other regulatory mechanism to require erosion and sediment control at construction

sites and establish sanctions to ensure compliance. Note that Appendix A of ch. NR 152, Wis. Adm. Code, contains a construction site model ordinance. At a minimum, the ordinance or other regulatory mechanism shall establish or include:

- a. Applicability and jurisdiction.
    - i. It shall apply to construction sites with one acre or more of land disturbance, and sites of less than one acre if they are part of a larger common plan of development or sale within the jurisdiction of the permittee. To the extent possible, the jurisdiction shall include any adjacent developing areas that are planned to have a minimum density of 500 people per square mile, the urbanized area, and developing areas whose runoff will connect to the MS4.
    - ii. It does not have to apply to construction sites that are listed under s. NR 216.42(2) to (11), Wis. Adm. Code, except that it shall apply to construction sites listed under s. NR 216.42(4) and (9) where erosion control authority has been delegated by the Wisconsin Department of Commerce to the permittee.
    - iii. If the permittee does not have authority from the Wisconsin Department of Commerce to regulate erosion control at public buildings and places of employment, the permittee shall request such authority from the Wisconsin Department of Commerce (Commerce) pursuant to s. 101.1205(4), Wis. Stats., by **June 30, 2008**. If Commerce delegates to the permittee the authority to regulate erosion control at public buildings and places of employment, the permittee shall exercise such authority as soon as possible.
  - b. Erosion and sediment control criteria, standards and specifications equivalent to those approved by the Department. Department erosion and sediment control standards are available are available through the Department's stormwater website at:  
<http://dnr.wi.gov/org/water/wm/nps/stormwater.htm>
  - c. Construction site performance standards equivalent to or more restrictive than those in ss. NR 151.11 and 151.23, Wis. Adm. Code.
  - d. Erosion and sediment control plan requirements for landowners of construction sites equivalent to those contained in s. NR 216.46, Wis. Adm. Code.
  - e. Permitting requirements, procedures, and fees.
  - f. Inspection and enforcement authority.
  - g. Requirements for construction site operators to manage waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site so as to minimize adverse impacts to waters of the state.
2. Procedures for construction site inspection and enforcement of erosion and sediment control measures. At a minimum, the procedures shall establish:
    - a. Municipal departments or staff responsible for construction site inspections and enforcement.
    - b. Construction site inspection frequency and documentation. Conduct, at a minimum, monthly compliance erosion control inspections at all sites in the municipality. The municipality shall keep records of these inspections, including any follow up necessary on sites out of compliance with their erosion control plans. The municipality shall contact the Department if there are significant or repeat violations at a site.
    - c. Enforcement mechanisms that will be used to achieve compliance.

3. Procedures for site planning which incorporate consideration of potential water quality impacts.
  4. Procedures for receipt and consideration of information submitted by the public.
- D. POST-CONSTRUCTION STORM WATER MANAGEMENT. Each municipality shall develop, implement, and enforce a program to control the quantity and quality of discharges from areas of new development and redevelopment, after construction is completed. The program shall establish measurable goals and include:
1. An ordinance or other regulatory mechanism to regulate post-construction storm water discharges from new development and re-development. Note that Appendix B of ch. NR 152, Wis. Adm. Code, contains a post-construction site model ordinance. At a minimum, the ordinance or other regulatory mechanism shall establish or include:
    - a. Applicability and jurisdiction that shall apply to construction sites with one acre or more of land disturbance, and sites of less than one acre if they are part of a larger common plan of development or sale within the jurisdiction of the permittee. To the extent possible, the jurisdiction shall include any adjacent developing areas that are planned to have a minimum density of 500 people per square mile, the urbanized area, and developing areas whose runoff will connect to the MS4.
    - b. Design criteria, standards and specifications equivalent to the Wisconsin Storm Water Manual or other technical standards approved by the Department. The Technical Standards takes precedence over the Storm Water Manual. The Wisconsin Storm Water Manual and other Department approved technical standards are available at <http://dnr.wi.gov/org/water/wm/nps/stormwater/techstds.htm>.
    - c. Post-construction performance standards equivalent to or more restrictive than those in ss. NR 151.12 and 151.24, Wis. Adm. Code.
    - d. Storm water plan requirements for landowners of construction sites equivalent to those contained in s. NR 216.47, Wis. Adm. Code.
    - e. Permitting requirements, procedures and fees.
    - f. Long-term maintenance requirements for landowners and other persons responsible for long-term maintenance of post-construction storm water control measures.
    - g. Inspection and enforcement authority.
  2. Procedures that will be used to for site planning which incorporate consideration of potential water quality impacts.
  3. Procedures that will be used to ensure the long-term maintenance of storm water management facilities.
- E. POLLUTION PREVENTION: Each municipality shall develop and implement a pollution prevention program that establishes measurable goals for pollution prevention. The program shall include:
1. Routine inspection and maintenance of municipal owned or operated structural storm water management facilities to maintain their pollutant removal operating efficiency.
  2. Street sweeping and catch basin cleaning where appropriate. The program proposal shall identify the frequency of street sweeping and catch basin cleaning activities at specific locations in the municipality.
  3. Proper disposal of street sweeping and catch basin cleaning waste.
  4. If road salt or other deicers are applied by the permittee, no more shall be applied than necessary to maintain public safety.

Note: The Wisconsin Department of Transportation (DOT) "Highway Maintenance Manual", chapter 35, contains guidance on application of road salt and other deicers that can be used to determine whether or not application is necessary and what application rate is appropriate for deicing and ice prevention. This information is held on a secured server and users must first register with the state of Wisconsin to obtain an ID and password. You can learn more about getting connected to this secured server at: <http://www.dot.wisconsin.gov/business/extranet/>. The Wisconsin Department of Transportation (DOT) highway salt storage requirements are contained in ch. Trans 277, Wis. Adm. Code.

5. Proper management of leaves and grass clippings, which may include on-site beneficial reuse as opposed to collection.
  6. Storm water pollution prevention planning for municipal garages, storage areas and other municipal sources of storm water pollution, including quarterly inspections of these facilities.
  7. Application of lawn and garden fertilizers on municipally controlled properties, with pervious surfaces over 5 acres each, in accordance with and no more frequently than a site-specific nutrient application schedule based on soil tests.
  8. Education of appropriate municipal and other personnel involved in implementing this program.
  9. Measures to reduce municipal sources of storm water contamination within source water protection areas. Wisconsin's source water assessment program information is available at: <http://www.dnr.state.wi.us/org/water/dwg/swap/index.htm>.
- F. **STORM WATER QUALITY MANAGEMENT:** Each municipality shall develop and implement a municipal storm water management program. The storm water management program shall achieve compliance with the developed urban area performance standards of s. NR 151.13(2), Wis. Adm. Code for those areas of the municipality that were not subject to the post-construction performance standards of s. NR 151.12 or 151.24, Wis. Adm. Code. (Note: projects prior to Oct. 1, 2004). The program shall include:
1. To the maximum extent practicable, implementation of storm water management practices necessary to achieve a 20% reduction in the annual average mass of total suspended solids discharging from the MS4 to waters of the state as compared to no controls, by March 10, 2008. (Note: reconstruction or redevelopment projects should be targeted to incorporate storm water management practices to help attain 20% and 40% total suspended solids reduction requirements). The municipality may elect to meet the 20% total suspended solids standard on a watershed or regional basis by working with other permittee(s) to provide regional treatment or other measures that collectively meets the standard.  
  
Note: Pursuant to s. NR 151.13(2), Wis. Adm. Code, the total suspended solids reduction requirement increases to 40% by March 10, 2013. The 20% and 40% total suspended solids reduction requirements are applied to runoff from areas of urban land use and are not applicable to agricultural or rural land uses and associated roads. Additional MS4 modeling guidance for modeling the total suspended solids control is given on the Department's Internet site at: <http://dnr.wi.gov/org/water/wm/nps/stormwater/techstds.htm>
  2. Evaluation of all municipal owned or operated structural flood control facilities to determine the feasibility of retrofitting to increase total suspended solids removal from runoff.
  3. Assessment of compliance with s. NR 151.13(2), Wis. Adm. Code by conducting a pollutant-loading analysis using a model such as SLAMM, P8 or equivalent methodology approved by the Department. At a minimum, the average annual total suspended solids and phosphorus loads to the MS4 shall be determined for the cumulative discharge from all outfalls for the controls and no controls conditions. For purposes of evaluating the modeling, pollutant loads for grouped drainage areas as modeled shall be reported. The modeling shall calculate the theoretical annual average mass of total suspended solids generated for the entire area served by a municipal separate storm sewer system within the permittee's

jurisdiction with no controls or BMPs applied. Modeling to reflect the current state of controls and BMPs shall be judged against the no controls condition to determine the percent of reduction. A storm water infiltration system is considered to be a control or BMP. Controls and BMPs that exist at the time of permit issuance may be used to achieve this reduction. This pollutant level reduction applies to total suspended solids only. If the assessment of compliance indicates that compliance with s. NR 151.13(2), Wis. Adm. Code will not be achieved by March 10, 2008, a compliance plan and schedule shall be developed.

G. STORM SEWER SYSTEM MAP: Each municipality shall develop and maintain a municipal separate storm sewer system map. The municipal storm sewer system map shall include:

1. Identification of waters of the state, watershed boundaries, name and classification of receiving waters, identification of whether the receiving water is an ORW, ERW, or listed as an impaired water under s. 303 (d) of the Clean Water Act, stormwater drainage basin boundaries for each MS4 outfall and municipal separate storm sewer conveyance systems.
2. Identification of all known municipal storm sewer system outfalls discharging to waters of the state or other municipal separate storm sewer systems. Major outfalls shall be uniquely identified.
3. Location of any known discharge to the municipal separate storm sewer system that has been issued a WPDES permit by the Department. A list of WPDES permit holders in the permittee's area may be obtained from the Department.
4. Location of municipally owned or operated structural storm water facilities including detention basins, infiltration basins, and manufactured treatment devices. If the permittee will be taking credit for pollutant removal from privately-owned facilities they must be identified.
5. Identification of publicly owned parks, recreational areas and other open lands.
6. Location of municipal garages and other public works facilities.
7. Identification of streets.

H. ANNUAL REPORT. Each municipality shall submit an annual report for each calendar year. The municipal governing body, interest groups and the general public shall be encouraged to review and comment on the annual report. The annual report shall include:

1. The status of implementing the permit requirements, status of meeting measurable program goals and compliance with permit schedules.
2. Updated storm sewer system maps, where necessary, to identify any new outfalls, structural controls, or other noteworthy changes.
3. A summary describing:
  - a. The number and nature of inspections and enforcement actions conducted to ensure compliance with the required ordinances.
  - b. Public education and outreach programs for each of the eight areas listed in Part II. A.
  - c. Spill responses.
  - d. Street sweeping frequency and the amount collected.
  - e. Catch basin cleaning frequency and the amount collected.

- f. DPW Yard inspections.
  - g. Pollutant Loading removal rates and status of meeting performance standards.
  - h. Any other activities that have measurable results.
- 4. A summary of revisions made to the storm water management plan.
  - 5. Proposed revisions to the storm water management plan.
  - 6. A fiscal analysis which includes the annual expenditures and budget for the reporting year, and the proposed budget for the next year.
  - 7. Identification of any known or perceived water quality improvements or degradation in the receiving water to which the permittee's MS4 discharges. Where degradation is identified, identify why and what actions are being taken to improve the water quality of the receiving water.
  - 8. A duly authorized representative of each municipality shall sign and certify the annual report and include a statement or resolution that the municipal governing body or delegated representatives have reviewed or been appraised of the content of the annual report. A signed copy of the annual report and other required reports shall be submitted to the Storm Water Specialist, DNR Milwaukee Service Center, 2300 North Dr. Martin Luther King Jr. Drive, Milwaukee, WI 53212.

#### **PART IV. COMPLIANCE SCHEDULE**

The Menomonee River Watershed Municipalities shall comply with the specific permit conditions contained in Parts II. and III. in accordance with the following schedule:

##### **PART II. GROUP CONDITIONS**

- A. **PUBLIC EDUCATION AND OUTREACH:** A public education and outreach program proposal shall be submitted to the Department by **September 30, 2008** for the Department's review and approval. The proposal shall include and implementation schedule with a deadline for implementation no later than **March 31, 2009**.
- B. **STORM WATER MONITORING:** A monitoring project proposal, including either the existing project or a different project, shall be submitted to the Department for approval by **March 31, 2008**. The project proposal shall include an implementation schedule.

##### **PART III. INDIVIDUAL CONDITIONS**

- A. **PUBLIC INVOLVEMENT AND PARTICIPATION:** Each municipality shall submit a public involvement and participation program proposal to the Department by **September 30, 2008** for the Department's review and approval. The proposal shall include and implementation schedule with a deadline for implementation no later than **March 31, 2009**.
- B. **ILLCIT DISCHARGE DETECTION AND ELIMINATION:**
1. Each municipality shall submit a proposed illicit discharge and elimination ordinance to the Department by **March 31, 2008** for the Department's review and approval. Each municipality shall adopt the illicit discharge and elimination ordinance by **September 30, 2008**.
  2. Each municipality shall complete initial field screening by **December 31, 2008**.
  3. Each municipality shall submit proposed illicit discharge response procedures to the Department by **September 30, 2008** for the Department's review and approval. The proposal shall include an implementation schedule with a deadline for implementation no later than **March 31, 2009**.
- C. **CONSTRUCTION SITE POLLUTANT CONTROL:**
1. Each municipality shall submit a proposed construction site pollutant control ordinance to the Department by **March 31, 2008** for the Department's review and approval. Each municipality shall adopt the construction site pollutant control ordinance by **September 30, 2008**. Existing construction site pollutant control ordinances shall be enforced until Department approved ordinances are adopted.
  2. Each municipality shall submit proposed construction site inspection and enforcement procedures to the Department by **September 30, 2008** for the Department's review and approval. The proposal shall include an implementation schedule with a deadline for implementation no later than **March 31, 2009**.
- D. **POST-CONSTRUCTION STORM WATER MANAGEMENT:**
1. Each municipality shall submit a proposed post-construction storm water management ordinance to the Department by **March 31, 2008** for the Department's review and approval. Each municipality shall adopt the post-construction storm water management ordinance by **September 30, 2008**. Existing post-construction storm water management ordinances shall be enforced until Department approved ordinances are adopted.
  2. Each municipality shall submit proposed long-term maintenance procedures to the Department by

**September 30, 2008** for the Department's review and approval. The proposal shall include an implementation schedule with a deadline for implementation no later than **March 31, 2009**.

- E. **POLLUTION PREVENTION:** Each municipality shall submit a proposed pollution prevention program to the Department by **June 30, 2008** for the Department's review and approval. The proposal shall include an implementation schedule with a deadline for implementation no later than **December 31, 2008**. Existing pollution prevention activities shall be implemented until Department program approval is obtained.
- F. **STORM WATER QUALITY MANAGEMENT:** Each municipality shall complete the 20% reduction of total suspended solids, the evaluation of flood control structures, and assessment of compliance and submit the results to the Department by **March 10, 2008**.
- G. **STORM SEWER SYSTEM MAP:** Each municipality shall submit an updated storm sewer system map to the Department with the Annual Report by **March 31 of each year**.
- H. **ANNUAL REPORT:** Each municipality shall submit an annual report for the preceding calendar year by March 31<sup>st</sup> of each year. The first annual report (for calendar year 2007) shall be submitted to the Department by **March 31, 2008**.
- I. **REAPPLICATION FOR PERMIT COVERAGE;** To retain authorization to discharge after the expiration date of this permit, each permittee shall apply for reissuance of this permit in accordance with the requirements of s.NR 216.09, Wis. Adm. Code, at least 180 days prior to this permit's expiration date.



### COMPLIANCE SCHEDULE SUMMARY

PERMIT CONDITION	ACTIVITY	RESPONSIBLE PERMITEE(S)	DUE DATE
Public Education and Outreach - Part II.A	Submit public education and outreach program proposal	Individual / Group	September 30, 2008
Storm Water Monitoring - Part II.B	Submit monitoring project proposal	Individual / Group	March 31, 2008
Public Involvement and Participation - Part III.A	Submit public involvement and participation program proposal	Individual	September 30, 2008
Illicit Discharge Detection and Elimination - Part III.B	1. Submit illicit discharge ordinance	Individual	March 31, 2008
	2. Complete initial field screening	Individual	December 31, 2008
	3. Submit illicit discharge response procedures	Individual	September 30, 2008
Construction Site Pollutant Control - Part III.C	1. Submit construction site pollutant control ordinance	Individual	March 31, 2008
	2. Submit construction site inspection and enforcement procedures	Individual	September 30, 2008
Post-Construction Storm Water Management - Part III.D	1. Submit post-construction storm water management ordinance	Individual	March 31, 2008
	2. Submit long-term maintenance procedures	Individual	September 30, 2008
Pollution Prevention - Part III.E	Submit pollution prevention program proposal	Individual	June 30, 2008
Storm Water Quality Management - Part III.F	1. 20% reduction in total suspended solids, to the maximum extent practicable	Individual	March 10, 2008
	2. Submit evaluation of flood control structures	Individual	March 10, 2008
	3. Submit assessment of compliance	Individual	September 30, 2008
Storm Sewer System Map - Part III.G	Submit updated storm sewer system map	Individual	March 31 each year
Annual Report - Part III.H	Submit annual reports	Individual	March 31, 2008
			March 31, 2009
			March 31, 2010
			March 31, 2011
			March 31, 2012

## PART V. STANDARD CONDITIONS

The conditions in s. NR 205.07(1) and (3), Wis. Adm. Code, are incorporated by reference in this permit. The Menomonee River Watershed Municipalities shall meet these requirements. Some of these requirements are outlined below in paragraph A. through R.. Requirements not specifically outlined below can be found in s. NR 205.07(1) and (3), Wis. Adm. Code.

- A. **DUTY TO COMPLY:** The municipalities shall comply with all conditions of the permit. Any permit noncompliance is a violation of the permit and is grounds for enforcement action, permit revocation or modification, or denial of a permit reissuance application.
- B. **COMPLIANCE SCHEDULES:** Reports of compliance or noncompliance with interim and final requirements contained in any compliance schedule of the permit shall be submitted in writing within 14 days after the schedule date, except that progress reports shall be submitted in writing on or before each schedule date for each report. Any report of noncompliance shall include the cause of noncompliance, a description of remedial actions taken, and an estimate of the effect of the noncompliance on the municipality's ability to meet the remaining schedule dates.
- C. **NONCOMPLIANCE NOTIFICATION:**
  - 1. Upon becoming aware of any permit noncompliance that may endanger public health or the environment, each municipality shall report this information by a telephone call to the Department within 24 hours. A written report describing the noncompliance shall be submitted to the Department within 5 days after the municipality became aware of the noncompliance. The Department may waive the written report on a case-by-case basis based on the oral report received within 24 hours. The written report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and if the noncompliance has not been corrected, the length of time it is expected to continue.
  - 2. Reports of any other noncompliance not covered under General Condition's B, C.1, or E shall be submitted with the annual report. The reports shall contain all the information listed in General Condition C.1..
- D. **DUTY TO MITIGATE:** Each municipality shall take all reasonable steps to minimize or prevent any adverse impact on the waters of the state resulting from noncompliance with the permit.
- E. **SPILL REPORTING:** Each municipality shall immediately notify the Department, in accordance with ch. NR 706, Wis. Adm. Code, in the event of a spill or accidental release of hazardous substances which results in a discharge of pollutants into waters of the state. The Department shall be notified via the 24-hour spill hotline (1-800-943-0003).
- F. **PROPER OPERATION AND MAINTENANCE:** Each municipality shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the municipality to achieve compliance with the conditions of the permit and the storm water management plan. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with conditions of this permit.
- G. **BYPASS:** Each municipality may temporarily bypass storm water treatment facilities if necessary for maintenance, or due to runoff from a storm event which exceeds the design capacity of the treatment facility, or during an emergency.
- H. **DUTY TO HALT OR REDUCE ACTIVITY:** Upon failure or impairment of best management practices identified in the storm water management program, each municipality shall, to the extent practicable and necessary to maintain permit compliance, modify or curtail operations until the best management practices are restored or an alternative method of storm water pollution control is provided.

- I. REMOVED SUBSTANCES: Solids, sludges, filter backwash or other pollutants removed from or resulting from treatment or control of storm water shall be stored and disposed of in a manner to prevent any pollutant from the materials from entering the waters of the state, and to comply with all applicable Federal, State, and Local regulations.
- J. ADDITIONAL MONITORING: If a municipality monitors any pollutant more frequently than required by the permit, the results of that monitoring shall be recorded and reported in accordance with this chapter. Results of this additional monitoring shall be included in the calculation and reporting of the data submitted in the annual report.
- K. INSPECTION AND ENTRY: Each municipality shall allow an authorized representative of the Department, upon the presentation of credentials, to:
  - 1. Enter upon the municipal premises where a regulated facility or activity is located or conducted, or where records are required under the conditions of the permit.
  - 2. Have access to and copy, at reasonable times, any records that are required under the conditions of the permit.
  - 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit.
  - 4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.
- L. DUTY TO PROVIDE INFORMATION: Each municipality shall furnish the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking or reissuing the permit or to determine compliance with the permit. Each municipality shall also furnish the Department, upon request, copies of records required to be kept by the municipality.
- M. PROPERTY RIGHTS: The permit does not convey and property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or an invasion of personal rights, or any infringement of federal, state or local laws or regulations.
- N. DUTY TO REAPPLY: If any of the Menomonee River Watershed Municipalities wish to continue an activity regulated by the permit after the expiration date of the permit, the municipality shall apply for a new permit at least 180 days prior to the expiration date of the permit. If a timely and complete application for a new permit is filed and the permit is not reissued by the time the existing permit expires, the existing permit remains in effect until the application is acted upon.
- O. OTHER INFORMATION: Where a municipality becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the department, it shall promptly submit such facts or correct information to the department.
- P. RECORDS RETENTION: Each municipality shall retain records of all monitoring information, copies of all reports required by the permit, and records of all data used to complete the application for the permit for a period of at least 5 years from the date of the sample, measurement, report or application. The Department may request that this period be extended by issuing a public notice to modify the permit to extend this period.
- Q. PERMIT ACTIONS: As provided in s. 283.53, Wis. Stats., after notice and opportunity for a hearing the permit may be modified or revoked and reissued for cause. If a municipality files a request for a permit modification, revocation or reissuance, or a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the municipalities of any permit condition.
- R. SIGNATORY REQUIREMENT: All applications, reports or information submitted to the Department shall be signed for by a ranking elected official, or other person authorized by them who has responsibility for the overall operation of the municipal separate storm sewer system and storm water management program activities regulated by the permit. The representative shall certify that the

information was gathered and prepared under their supervision and based on inquiry of the people directly under their supervision that, to the best of their knowledge, the information is true, accurate, and complete.

- S. **ENFORCEMENT ACTION:** The Department is authorized under s. 283.89 and 283.91, Wis. Stats., to use citations or referrals to the Department of Justice to enforce the conditions of this permit. Violation of a condition of this permit is subject to a fine of up to \$10,000 per day of violation.
- T. **ATTAINMENT OF WATER QUALITY STANDARDS AFTER AUTHORIZATION:** At any time after authorization, the Department may determine that the discharge of storm water from a permittee's MS4 may cause, have the reasonable potential to cause, or contribute to an excursion of any applicable water quality standard. If such determination is made, the Department may require the permittee to do one of the following:
1. Develop and implement an action plan to address the identified water quality concern to the satisfaction of the Department.
  2. Submit valid and verifiable data and information that are representative of ambient conditions to demonstrate to the Department that the receiving water or groundwater is attaining the water quality standard.

## PART VI. DEFINITIONS

Definitions for some of the terms found in this permit are as follows:

**Controls Condition** means a pollutant-loading analysis that includes pollutant reductions from storm water management practices.

**Department** means Department of Natural Resources.

**Erosion** means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

**Hazardous substance** means any substance which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics.

**Illicit Connection** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer system.

**Illicit Discharge** means any discharge to a municipal separate storm sewer system that is not composed entirely of storm water except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as water line flushing, landscape irrigation, individual residential car washing, fire fighting and similar discharges.

**Infiltration** means the entry and movement of precipitation or runoff into or through soil.

**Infiltration system** means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

**Jurisdiction** means the area where the permittee, or co-permittee, has authority to enforce its ordinance(s) or otherwise has authority to exercise control over a particular activity of concern.

**Land Disturbing Construction Activity** means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover that may result in storm water runoff and lead to increased soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes, but is not limited to, clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

**Major Outfall** means a municipal separate storm sewer outfall that meets one of the following criteria:

1. A single pipe with an inside diameter of 36 inches or more or equivalent conveyance (cross sectional area of 1,018 square inches) which is associated with a drainage area of more than 50 acres.
2. A single pipe with an inside diameter of 12 inches or more or equivalent conveyance (cross sectional area of 113 square inches) which receives runoff from land zoned for industrial activity and is associated with a drainage area of more than 2 acres.

**Maximum Extent Practicable** means a level of implementing management practices in order to achieve a performance standard or other goal which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features.

**Menomonee River Watershed Municipalities** includes: the Cities of Brookfield, Greenfield, and Wauwatosa; and the Villages of Butler, Elm Grove, Germantown, Menomonee Falls, and West Milwaukee.

**Municipal Separate Storm Sewer System or MS4** means a conveyance or system of conveyances including

roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

1. Owned or operated by a municipality.
2. Designed or used for collecting or conveying storm water.
3. Which is not a combined sewer conveying both sanitary and storm water.

**No Controls Condition** means a pollutant-loading analysis that does not include pollutant reductions from storm water management practices.

**Outstanding and Exceptional Resource Waters** are listed in ss. NR 102.10 and 11, Wis. Adm. Code.

**Outfall** means the point at which storm water is discharged to waters of the state or leaves one municipality and enters another.

**Permittee** means the owner or operator, or a group of owners or operators, of a municipal separate storm sewer system authorized to discharge storm water into waters of the state.

**Permitted Area** refers to the areas of land under the jurisdiction of the Village of Thiensville that drains into its MS4, which is regulated under a permit issued pursuant to subch. I of NR 216, Wis. Adm. Code.

**Redevelopment** means areas where development is replacing older development.

**Riparian Landowners** are the owners of lands bordering lakes and rivers.

**Sediment** means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

**Storm Water Management Practice** means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

**Storm Water Pollution Prevention Planning** refers to the development of a site-specific plan that describes the measures and controls that will be used to prevent and/or minimize pollution of storm water.

**Structural Storm Water Management Facilities** are engineered and constructed systems that are designed to provide storm water quality control such as wet detention ponds, constructed wetlands, infiltration basins and grassed swales.

**Waters of the State** include surface waters, groundwater and wetlands.

**WPDES Permit** means a Wisconsin Pollutant Discharge Elimination System permit issued pursuant to ch. 283, Wis. Stats.